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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 EDDIE LOUIS SMITH III,

6 Plaintiff,

7 v.

8 BELINDA D. STEWART, *et al.*,

9 Defendants.

CASE NO. C19-5096 BHS-JRC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation ("R&R")  
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 54. The Court  
12 having considered the R&R and the remaining record, and no objections having been  
13 filed, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) The motion to dismiss filed by named Defendants other than Defendant  
16 Taylor is **GRANTED in part and DENIED in part** as stated in the R&R.
- 17 (3) Defendants' motion to strike Plaintiff's overlength response, Dkt. 52, is  
18 **DENIED**.

19 Dated this 10th day of October, 2019.

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22 BENJAMIN H. SETTLE  
United States District Judge